

Application No. 10/071,751

REMARKS

Claim Amendments

Claims 77-81 have been canceled, without prejudice to or disclaimer of the subject matter therein.

As suggested by the Examiner, Claims 72-75 have been amended so that they are now drawn to an "isolated" fragment of the claimed protein of Claim 71. Support for these amendments can be found in the specification, for example, on page 10, lines 21-25, through page 11, lines 1-5.

Claim Objections

The Examiner has objected to Claims 74-75, stating that the use of the term "wherein said 6 amino acid sequence" is not consistent throughout the claims. Applicants have amended the claims to read "wherein said at least 6 contiguous amino acid sequence" as suggested by the Examiner, thereby maintaining consistent terminology through the claims.

Rejections Under 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 77-81 as being indefinite.

While Applicants disagree with the Examiner's position, in the interest of expediting prosecution, Claims 77-81 have been cancelled.

Rejections under U.S.C. §101

The Examiner has rejected Claims 72-75 and Claims 79-81, stating that the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner states the claims are drawn to protein fragments which would occur in nature due, for example, to post-processing events.

Applicants note that Claims 79-81 have been cancelled, and Claims 72-75 have been amended to be drawn to "isolated" fragments as suggested by the Examiner, thus obviating the rejection.

Rejections under U.S.C. §112, first paragraph -- written description

The Examiner has rejected Claims 77-81, contending that these claims fail to comply with the written description requirement.

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While Applicants believe the subject matter of these claims is adequately described in the specification, in the interest of expediting prosecution, Claims 77-81 have been cancelled, rendering the rejection moot.

Rejections under U.S.C. §112, first paragraph – enablement

The Examiner has rejected Claims 77-81, contending that the specification fails to provide enablement for all of the proteins covered by the claims. While Applicants believe the subject matter of these claims is adequately enabled by the specification, in the interest of expediting prosecution, Claims 77-81 have been cancelled, rendering the rejection moot.

Conclusion

Applicants believe the instant claims to be in condition for allowance. In light of the amendments and remarks above, Applicants request the withdrawal of all rejections and solicit allowance of instant claim set. The Examiner is invited to contact the undersigned should any issues remain.

Respectfully submitted,

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